REMARKS

Claims 1–21 were pending in this application.

Claims 1–21 were rejected.

Claims 17, 19, and 21 have been amended as shown above.

Reconsideration of the claims is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1, 9 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,141,747 by Witt ("*Witt*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent claims 1, 9, and 17 each recites storing a first operand in a queue and supplying the first operand to a floating point read instruction when the first operand is "committed or virtually committed." An operand may be "committed" when stored in a memory. (*Application, Page 3, Lines 8-10*). A "virtual commit" refers to a process of transferring data from the operand queue into a virtual commit buffer and storing virtually committed data into a dependent load slot in the

operand queue. (*Application, Page 19, Lines 3-6*).

The Office Action fails to explain how *Witt* anticipates this element of Claims 1, 9, and 17. *Witt* recites that data is stored in a store queue 64 for storage in a cache 44. (*Col. 12, Lines 18-20*). Once the data is stored in the cache 44, the data is deleted from the store queue 64. (*Col. 16, Lines 62-63*).

Witt expressly recites that data is deleted from the queue once stored in a cache. The deleted data therefore cannot be provided to a floating point unit. As a result, this portion of *Witt* fails to anticipate supplying an operand to a floating point unit when the operand is "committed." *Witt* also lacks any mention of transferring an operand from a queue into a "virtual commit buffer" or into a "dependent load slot" in a queue. As a result, this portion of *Witt* fails to anticipate supplying an operand to a floating point unit when the operand is "virtually committed."

For these reasons, *Witt* fails to anticipate the Applicant's invention as recited in Claims 1, 9, and 17. Accordingly, the Applicant respectfully requests withdrawal of the § 102(b) rejection of Claims 1, 9, and 17.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 2-5, 10-13, and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Witt* in view of U.S. Patent No. 5,721,855 by Hinton et al. ("*Hinton*"). Claims 6-8 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Witt* and *Hinton* in view of U.S. Patent No. 5,987,593 by Senter et al. ("*Senter*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and

the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As noted above, claims 1, 9 and 17 are patentable. As a result, Claims 2-8, 10-16, and 18-21 are patentable due to their dependence from allowable base claims.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 2-8, 10-16, and 18-21.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***wmunck@davismunck.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to National Semiconductor Corporation Deposit Account No. 140448.

Respectfully submitted,

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Date: March 27, 2003

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